

Request for extension of time under 37 C.F.R. §1.136

Assignee herewith petitions the Director of the United States Patent and Trademark Office to extend the time for response to the Office Action dated December 24, 2002 for 3 month(s) from March 24, 2003 to June 24, 2002.

Please charge Deposit Account #02-2666 in the amount of:

(\$110.00 for a one month extension)
 (\$410.00 for a two month extension)
 X (\$930.00 for a three month extension)
 (\$1,450.00 for a four month extension)

to cover the cost of the extension.

Remarks

Reexamination and reconsideration of this application is requested. Claims 21-41 remain in the application. Applicant is enclosing a copy of the claims as they currently stand as a result of the preliminary amendment filed on February 24, 2000 and April 28, 2000. The Office Action referred to the claims as claims 1-20. However, Applicant is uncertain as to the reason for the change in the claim numbering. Applicant respectfully requests verification that the claims on file are as shown above.

No new claims have been added or canceled.

Response to the Double Patenting Rejection

The Office Action rejects claims 21-41 for nonstatutory double patenting. However, the Office Action referred to US. Patent 5,721,924 as the basis for this rejection. Applicant assumes this was just a typographical error and that the Office Action intended to refer to US 6,138,273. If that is not correct, clarification is respectfully requested.

Without conceding the appropriateness of the rejection, Applicant is willing to file a terminal disclaimer as suggested by the Office Action in order to address this rejection upon indication by the Examiner that at least one claim would be otherwise allowable.

Response to the 35 U.S.C. §102(b)/103 Rejection

The Office Action also rejects claims 21-41 under 35 U.S.C. §102(b), or alternatively §103(a) as being anticipated by or made obvious, at least in part, by Kitadate (US 5,721,924).

Without conceding the appropriateness of the rejection or the appropriateness of the suggested combination of Kitadate with Aho, Applicant would like to respectfully point out Kitadate does not qualify as prior art under §102(b) or under §103(a).

This application is a continuation of Application Serial number 07/663,594, filed March 1, 1991, as indicated in the response filed on March 27, 2000. In contrast, Kitadate was the result of a continuation application that was originally filed on November 10, 1993. Accordingly, Applicant respectfully points out that Kidate does not qualify as reference under §102(b) or §103(a) as it does not predate the priority date of the present application. Accordingly, Applicant respectfully traverses the rejection of claims 21-41 for at least this reason.

Additional arguments to distinguish the cited patent from Applicant's claim s could have been made, but it is believed that the foregoing discussion is sufficient to overcome the Examiner's rejection.

PATENT APPLICATION

042390.P0744C2

Conclusion

The foregoing is submitted as a full and complete response to the Office Action mailed December 24, 2002, and it is submitted that claims 21-41 are in condition for allowance. Reconsideration of the rejection is requested.

Should it be determined that an additional fee is due under 37 CFR §§1.16 or 1.17, or any excess fee has been received, please charge that fee or credit the amount of overcharge to deposit account #02-2666.

If the Examiner believes that there are any informalities which can be corrected by an Examiner's amendment, a telephone call to the undersigned at (480) 554-9732 is respectfully solicited.

Respectfully submitted,

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